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## 1. Introduction

- 1 Just as Cuban Americans are the best represented Latinos in U.S. politics and foreign policy making, Cuba “has long occupied more space in the minds of U.S. policy makers than it has on any map.”<sup>1</sup> As early as 1823 Secretary of State John Quincy Adams predicted the following:

There are laws of political as well as of physical gravitation; and if an apple severed by the tempest from its native tree cannot choose but fall to the ground, Cuba, forcibly disjoined from its own unnatural connection with Spain, and incapable of self-support, can gravitate only towards the North American Union, which by the same law of nature cannot cast her off from its bosom.<sup>2</sup>

- 2 The gravitation metaphor has been used by politicians more than once. In the words of the Cuban American historian Louis A. Pérez:

Through the power of their own metaphors, the Americans had rendered the need to possess Cuba as essential to the well-being of the North American Union. Possession of Cuba was perceived to be inevitable as it was indispensable.<sup>3</sup>

- 3 The relation with Cuba—and the clout exerted by its exiles—has to be understood in the light of the U.S. ideology of “benevolent domination”<sup>4</sup> and of this historical, almost umbilical interest, although the United States never officially possessed the island. On both sides of the Florida Straits, psychology, emotion and ideology have always been as important as purely strategic interests.
- 4 From a European perspective, *realpolitik* should have dictated a return to normalized relations between the United States and Cuba after the end of the Cold War, the collapse of the Soviet Union and the subsequent end of the nearest communist threat to the United States. After all, several Administrations did attempt to explore the normalization

of relations with the island in the 1960s and 1970s and relations were fully normalized with other communist countries such as China and Vietnam.<sup>5</sup> It is difficult to imagine what kind of strategic threat Cuba could now represent for its superpower neighbor. And yet, an array of domestic factors and *intermestic* (i.e. both *international* and *domestic*) interests continue to have a major voice in the shaping of this anachronistic “Politics-Driven Policy”<sup>6</sup> and “anomaly”<sup>7</sup> which has prevailed over diplomacy and international relations strategy. Cuban Americans, their political weight in Florida,<sup>8</sup> their wealth and donations, the merging of their private interests (the demise of the Castro rule) with Washington’s public policy (the Cold War and the fear of an antagonistic regime so close to the U.S. shore), the power of emotion, and the convenience of a pre-determined policy on both sides of the Florida Straits, all account for the continuation of the embargo and the staunch hostility towards the Castro brothers. Now, with a new Administration in office, the widespread recognition that this policy has failed and isolated the U.S. in the hemisphere, and a demographic and ideological reshuffle within the Cuban American community, will this improbable “ménage à trois”<sup>9</sup> survive much longer?

## 2. Elián: The Turning Point

- 5 Many observers agree that the Elián episode undermined Albert Gore in the 2000 election and contributed to weakening the clout of the powerful Cuban American National Foundation (CANF) which, from its creation in 1981 under the Reagan Administration’s aegis, had up to then influenced most punitive U.S. decisions and measures toward Cuba. Elián González was a Cuban boy who fled Cuba for Florida on a raft with his mother and was rescued in high waters by Cuban Americans after his mother had disappeared into the sea. That was in the fall of 1999, and the story unfolded through 2000. What initially was a family tragedy turned into a political affair and a stake in the presidential election. Who were the protagonists? On the one hand, the Miami Cuban American community, supported by the CANF and the two Cuban American congressional representatives, who went out of their way to keep Elián in Miami, once his mother’s family had been given custody of him by the Immigration and Naturalization Service (INS). On the other hand, there was the Cuban government that made Elián a hero and fully supported the boy’s father in his attempts to get him back. In the middle was the Clinton Administration, which had to solve the issue and which did follow what a majority of U.S. citizens, Democrats and Hispanics said; that is, the boy had to be returned to his father, his only living parent (hence Attorney General Janet Reno’s decision to take the child away from Miami by force). But Vice-President and presidential candidate Albert Gore was fully aware that this move would make him very unpopular in Miami in an election year, with Florida being one of the crucial ‘swing states’. He consequently made an improbable offer: while Elián’s father was in Washington, under Cuban guard, to get his son back, Gore offered him the option of staying in the United States with Elián. This sounded like a compromise, achieving family reunion *but* on U.S. (free) soil, but it was an offer that Mr. González, by this time a well-known figure in Cuba, could not possibly accept. This last-chance attempt to save the Cuban American vote miserably failed.
- 6 At the same time, if the Elián affair cemented the Miami Cuban American community, it also sent to the rest of the country and to other Latinos a very negative and aggressive image of this ‘exile’ group which may have pushed some to become more vocal for an opening-up of dialogue with Cuba. This marked the end of the hard-line CANF stance, a

decline that had already started with the death of its leader Jorge Mas Canosa in 1997, and with the Pope's call to end the embargo during his visit to Cuba in 1998. A decisive turning point was reached in 2001 when Mas's son, Jorge Mas Santos, dared speak of *dialogue* with Cuba, a decision that was viewed as an act of high treason by the more radical members of the community. Along with radio host Ninoska Pérez Castellón, twenty of the CANF directors decided to resign. In the aftermath, the hard-line Cuban Liberty Council (2001) and U.S.-Cuba Democracy Political Action Committee (2003) were established. Now challenged by these more radical actors, the Foundation never retrieved its former clout, becoming more diverse in membership and closer to the Democratic party as a result.

### 3. Catering to the Cuban American Galaxy

#### 3.1. George W. Bush's 'thank you' to the Cuban American Community

- 7 It is an open secret that G.W. Bush owes a great deal to Cuban Americans in South Florida (he received 80 percent of their vote in 2000), to the former governor of Florida (his own brother Jeb, named the "first Cuban American governor" by Senator Mel Martinez) and the Republican-controlled institutions of the state. Jeb Bush's own political alliances with the more radical elements of the Cuban American community (particularly the U.S. Representatives Ros Lehtinen and Díaz Balart) undoubtedly influenced his brother's hard-line policies toward Cuba. Cuban Americans got prominent positions in the Administration: Carlos Gutierrez as Secretary of Commerce; Mel Martinez as Secretary of Housing and then as the first Hispanic Chairman of the Republican National Committee, before he resigned in the fall of 2007; Emilio Gonzalez as director of the INS; Eduardo Aguirre as Ambassador to Spain; Adolfo Franco at the head of the AID Cuba Program (along with Ambassador Reich, Franco subsequently became one of presidential candidate John McCain's campaign advisors on Latin America). Last but not least, Ambassador Otto Reich was appointed Assistant Secretary of State for Latin America. Not confirmed by Congress, he could only have a one-year recess appointment. He subsequently became the special envoy of the President until mid-2004. A hard-liner on Cuba, he largely contributed to shaping the policy towards the Castro regime. Clearly, for a group that represents 0.5 percent of the U.S. population and 3.6 percent of all Hispanics, Cuban Americans were overrepresented, especially in the first Bush Administration.

#### 3.2 "Hastening the democratic transition in Cuba"

- 8 After 9/11 one of the cornerstones of the Bush Administration was the defense of 'freedom' throughout the world. This perfectly echoed the Cuban Americans' own crusade. The emphasis on human rights violations, which had replaced the communist threat in the 1990s, now came to occupy the center of the White House's Cuban policy. A hard line policy could now be launched against "our hemisphere's only dictatorship".<sup>10</sup> A CIA mission manager was established to collect intelligence on Cuba and Venezuela, and the Administration decided to increase foreign aid to dissident groups within Cuba.
- 9 The creation of a Cabinet-level Commission for Assistance to a Free Cuba (CAFC) in 2003, "a commission to explore ways in which the United States can help hasten and ease a democratic transition in Cuba", was another administrative token to the Cuban American

community, particularly in Florida. Prompted by Ambassador Otto Reich, the idea behind the establishment of the Commission was that Cuba was vulnerable, opening up the opportunity to give the final blow and end the 45-year-old communist regime. As a consequence it was necessary to be prepared for when things finally changed in Cuba. According to Reich it would require a “Marshall Plan for Cuba as infrastructure will have to be completely overhauled.”<sup>11</sup> The Commission was a purely executive product, not born from a piece of legislation, with the aim to guide the administration’s policy. It was reminiscent both of the “transition program” drafted by the CANF in 1993, in the wake of the Soviet Union’s collapse, and of the Cuban Transition Committee chaired by Jeb Bush in Florida in 1995 to “produce step-by-step instruction on how exactly to establish democracy in Cuba.”<sup>12</sup> Title II, Section 202 (g) of the Cuban Liberty and Democratic Solidarity Act (Helms Burton Act) compelled the President “not later than 180 days after” the Act was enacted to “transmit to the appropriate congressional committees a report describing in detail the plan developed” by the Assistance for the Cuban People section.<sup>13</sup> Complying with the law the Clinton White House compiled a report entitled Support for a Democratic Transition in Cuba. In other words, the Bush Administration’s CAFC appeared as the latest vehicle for Cuban American attempts to shape Cuba’s future.

- 10 The first Commission report, published in 2004—a presidential campaign year when it was necessary to court both Cuban American voters and donors—welcomed “an expeditious end to Castro’s rule” and emphasized six major goals: hastening Cuba’s transition; meeting basic human needs in health, education, housing and human services; establishing democratic institutions, respect for human rights, rule of law, and national justice and reconciliation; establishing the core institutions of a free economy; modernizing infrastructure; identifying and addressing environmental degradation. Although the “selected recommendations” were carefully worded with diplomatic caution to avoid giving the impression of outright interference (“as the Cuban people desire,” “assuming the new Cuban government desires it,” “assuming a free Cuban government agreed,” “if requested by a transition government,”),<sup>14</sup> the 2004 report provided the U.S. government and the international community with a roadmap for what should be done to “assist a free Cuba.” Appointed in 2005 to “accelerate the demise of Castro’s tyranny,”<sup>15</sup> the Cuba Transition Coordinator, Caleb C. McCarry, later emphasized that:

we will do all this and more, provided we are asked by a Cuban transition government that is committed to dismantling all instruments of state repression and implementing internationally respected human rights and fundamental freedoms.<sup>16</sup>

- 11 In the face of the outcry and accusations of interference this initiative caused in Latin America and even among Cuban dissidents—the Chilean Secretary General of the Organization of American States, José Miguel Insulza, even quipped “there is no transition and it is not your country”<sup>17</sup>—another report, chaired by Secretary of State Condoleezza Rice and Secretary of Commerce Carlos Gutierrez, was released in 2006. It recognized the efforts of civil society in Cuba and recommended steps to “hasten the end of the Castro dictatorship: transition not succession,” while insisting that the U.S. government “will need to be prepared well in advance in the event the Cuban Transition government requests assistance.”<sup>18</sup> Caleb McCarry further “offer[ed]” “advice and assistance to all who seek democratic change in Cuba” and ensured that “when asked, we will be able to offer appropriate support that meets needs identified by Cubans.”<sup>19</sup> At the same time, the Bush Administration relentlessly requested the U.N. condemnation of

Cuba for violating human rights and categorized Cuba as a 'rogue state' and a state sponsor of terrorism, a posture recently denounced by Richard Clarke, the U.S. Coordinator for counterterrorism in both the Clinton and George W. Bush Administrations, who affirmed that Cuba has not been a state sponsor of terrorism at least since the late 1990's.<sup>20</sup>

- 12 The Commission's recommendations and criticisms failed to obtain the desired effects and to fulfill its self-ascribed mission. Waiting for the "transition" to happen, it concentrated on meeting with European and Latin American groups and partners to discuss how to move Cuba toward the kind of democracy they would want, and it emphasized the issues that met with a wide international consensus: human rights, release of prisoners, permission to view prisoners, and establishment of an open dialogue with all of the Cuban citizens.<sup>21</sup> Not much was achieved beyond the 2004 and 2006 reports themselves. What has actually happened in Cuba is precisely the 'succession' the Bush administration wanted to avoid at all cost. Just like the Florida Cuban American community was severely disappointed in 1992 when the collapse of the Soviet Union (Cuba's creditor and main support) failed to entail the much-expected collapse of the Castro regime, they will probably also have to accept the pace of change that Raúl Castro will impose, on his own terms.

#### 4. Lifting the Embargo? Human Rights, Trade, Investment and Travel (2000-2008)

- 13 The embargo has been in force since 1961 in order to isolate Fidel Castro and possibly bring about his downfall. It was significantly strengthened by the U.S. Congress in the post-Cold War years with the Cuban Democracy Act (1992) and the Cuban Liberty and Democratic Solidarity Act (Helms-Burton Act) of 1996.<sup>22</sup> Hard-line Cuban Americans and their most powerful organization at the time, the Cuban American National Foundation, exerted strong lobbying and, along with their conservative allies in Congress, played an instrumental role in the adoption of the two texts during the two presidential election years of 1992 and 1996. The Helms-Burton Act was reluctantly signed into law by President Clinton, after two Cuban-American Brothers to the Rescue planes were shot down by the Cuban Air Force.<sup>23</sup> Helms-Burton codifies the Cuban embargo and sets forth a number of conditions for its suspension which are actually binding to the executive until new legislation is passed and annuls it. Title III in particular holds any person trafficking in U.S. property confiscated by the Cuban government liable to the U.S. property-owner. The "extraterritorial" nature of the law antagonized many foreign countries—traditional allies such as Canada and Western Europe—and this specific provision was waived after a few months by both Presidents Clinton and George W. Bush.
- 14 For the past seventeen years the United Nations General Assembly has repeatedly voted resolutions calling for the embargo to be repealed as soon as possible (the 2008 vote was in favor of repeal by 185 to 3), but to no avail. In view of the embargo's poor results, a variety of American experts, lobbies, and Congressmen are now more and more vocal in demanding its total or partial lifting. The worst possible threat from Cuba now is no longer political but more likely a refugee crisis caused by a combination of lack of freedom and economic difficulties.

- 15 Yet, this historical change in the bilateral relationship will have to go down a long and bumpy road. Because of the Helms Burton provisions, a unilateral, presidential decision is not possible—although executive orders are always a way to get round legislative hurdles—and these legislative conditions make it difficult for the United States to have any leverage as events unfold in Cuba. Officials make it clear: “Congress is pivotal to lift the embargo.”<sup>24</sup> Critics of the embargo “maintain that the United States may be unprepared to deal with alternative scenarios of Cuba’s political transition.”<sup>25</sup> During the Bush Administration, only limited and sector-by-sector openings were occasionally granted. One of the administration’s last moves in May 2008 consisted in authorizing the shipment to Cuba of cellphones activated in the United States and prepaid by Cuban emigrants, while authorizing nongovernmental organizations to send computers to the island if the Castro government allowed internet access. The intention was both to force Raúl Castro to keep his promise to open access to cellphones, computers and DVD players, and to allow Cuban people to communicate freely—ideally a first step toward democracy.
- 16 Both the Cuban Democracy Act and the Cuban Liberty and Democratic Solidarity Act focus on “democracy”. Among the conditions set forth by the 1996 law for the suspension of the embargo, a transition Cuban government should not include Raúl or Fidel Castro, should legalize all political activity, release all political prisoners, establish an independent judiciary, and respect internationally recognized human rights. The latter are clearly a major issue in the rationale for maintaining the embargo.<sup>26</sup> The official U.S. stance, which is also that of the majority of Cuban Americans, is that there will be no sweeping policy change as long as Cuba imprisons political opponents and journalists, does not respect human rights, and does not hold free and internationally supervised elections. In this respect, the change from Fidel to Raúl has brought about no substantial change as it was not a democratic transition. A few prisoners are occasionally released but this is clearly insufficient to consider Cuba a democracy. The succession from Fidel to Raúl and the continuation of an authoritarian regime is exactly what the Bush administration wanted to avoid, but short of outright intervention there is little Washington can do now that Raúl is officially holding the reins of power. The embargo, as well as the limitations on travel and remittances, are thus thought to be the only available means to pressure Cuba into improving its democratic record. The European stance, which is one of accommodation, of investment and tourism (fostering contact between Cubans and foreigners), brings evidence that a more open attitude has not altered political practices on the island. This actually reinforced the Bush Administration’s and Cuban American hard-liners’ stance.

## 4.1 Trade

- 17 The U.S. embargo is not total, however. From the end of the Cold War, many groups have lobbied Congress and the Executive to open up commercial relations between the two countries. Spurred on by Pope John Paul II’s condemnation of the embargo (1998) and the call for more humanitarian aid to Cuba, an array of farm and business groups throughout the country pressured their senators and representatives at state and federal levels to pass anti-embargo resolutions and legislation. Established in 1994, the U.S.-Cuba Trade and Economic Council was one of the most active private organizations in this nationwide campaign in favor of renewing commercial ties with Cuba, and it played a significant part in rallying some Republican members of Congress to the anti-embargo coalition.



President Clinton announced the partial lifting of some of the sanctions for humanitarian reasons in 1998, and in 2000 he signed into law the Agriculture Appropriations Bill and the Trade Sanctions Reform and Export Enhancement Bill allowing the sale of food and medicines to Cuba. However, these were allowed only under strict conditions which were initially refused by the Cuban government—notably the obligation to make advance cash payments for all goods imported from the United States.<sup>27</sup>

- 18 George W. Bush was also under strong pressure from some traditional Republican groups in the business and farming worlds to increase commercial ties with Cuba. U.S. agricultural exports to Cuba, while restricted to basic products (wheat, chicken, corn, rice, soybean, beans, lentils, pork and powder milk) have totalled \$ 2.7 billion since 2001, rising from \$ 7 million in 2001 to over \$ 400 million in 2004. U.S. exports declined in 2005 and 2006 due to competition from China and Venezuela, but according to Department of Commerce statistics they increased again to \$ 447 million in 2007 and a record high of \$ 718 in 2008, in part because of the rise in food prices and because of Cuba's food needs in the aftermath of several hurricanes.<sup>28</sup> The very existence of these exports, added to private humanitarian donations, makes it impossible to accuse Washington of starving the Cuban population and placates the agribusiness lobby that still wants to lift restrictions. Some of the reasons for their somewhat more subdued crusade might be the significant growth of their exports, cash pre-payments, and the efforts of the pro-embargo U.S.-Cuba Democracy Political Action Committee to convince key members of Congress, largely through campaign donations.<sup>29</sup> For the hard-line U.S. Representative Mario Díaz Balart, "doing business with Cuba is akin to doing business with apartheid-era South Africa or Nazi Germany."<sup>30</sup>
- 19 In the 109th and 110th Congresses, in a bipartisan effort, an array of Representatives and Senators from both parties—Baucus, Delahunt, Dorgan, Enzi, Flake (Republican Representative Jeff Flake is particularly active in the fight to turn from the embargo to free trade), Moran, Rangel, Serrano, and Udall—regularly initiated bills that would lift restrictions and/or the embargo altogether, either because they support agribusiness lobbies (U.S. Chamber of Commerce, American Farm Bureau Federation) or because they sincerely believe that the embargo has failed to reach its objective and it is time to turn to a policy of engagement. Their efforts continue in the current 111th Congress.

## 4.2 Investment and Oil

- 20 While many U.S. investors are jealous of their European, Canadian, or Latin American counterparts who all have investment activities in Cuba, one of the main bones of contention is the offshore oil sector and the alleged large oil reserves in Cuban waters. So far Cuba has signed agreements for seven concessions involving foreign oil companies for the exploration of offshore oil and gas or cooperation with Cuba's state oil company (from Spain, Norway, India, Canada, Venezuela, Malaysia, Vietnam, and Brazil). China is so far limited to onshore oil extraction. Oil is such a sensitive sector in times of spiraling prices, added to the volatility of the Middle East, that the U.S. oil and business lobbies are pushing hard to lift an embargo that prevents them from exploiting the resource right next door. Several lawmakers, such as former Senator Larry Craig in April 2006, have attempted to strengthen their argument by brandishing the Chinese threat:

We sit here watching China exploit a valuable resource within eye-sight of the U.S. coast. I am certain the American public would be shocked, as this country is trying



to reduce our dependency on Middle East oil, that countries like China are realizing this energy resource....We will miss a boat that won't sail twice if we don't allow U.S. companies to at least explore the possibilities of new supplies in neighboring countries.<sup>31</sup>

- 21 There is clearly a populist touch to such arguments, but beyond the rhetorical turn lies the growing role of China in Latin America and the admiration some Cuban leaders feel for the Chinese economic model.<sup>32</sup> Although China is probably not about to play the fundamental role that the Soviet Union did during the Cold war, it became Cuba's second most important trading partner (after Venezuela) in 2005 and economic ties keep increasing.<sup>33</sup> Former Senator Craig's rhetoric has not been repeated since then and most experts and U.S. officials dealing with Cuba agree that the Chinese presence in Cuba and more widely in Latin America is mostly economic and commercial. It does not pose a significant strategic threat yet, only close observation. As far as Cuban onshore oil is concerned, they emphasize that it is mostly poor quality and years away from being commercially viable.
- 22 The 'Chinese threat' in Cuba is not an object of serious preoccupation in Washington today as exemplified by only two hearings being held in the 11th Congress as of September 2009. The latest one, at the time of writing, took place in June 2008 and in his testimony Daniel Erikson of the Inter-American Dialogue only devoted a few sentences to the China-Cuba relationship, emphasizing the commercial links between the two but also the disillusion on both sides.<sup>34</sup> One thing remains certain, however, and that is that lifting the embargo would serve both U.S. economic and strategic interests by reducing China's influence in the U.S. 'backyard.'
- 23 Competing pieces of legislation were introduced in Congress with, on the one hand, initiatives aiming to allow U.S. companies to work with Cuba,<sup>35</sup> which would indirectly signal the end of the embargo, while on the other hand, punitive initiatives patterned on Helms-Burton and the imposition of sanctions on aliens who help Cuba develop its offshore oil resources. However, no action was taken on either of these initiatives. Two Cuban Americans were involved in the punitive initiatives but the proponents of the other bills were equally distributed among Democrats and Republicans. This reflects pork barrel interests much more than party ideology and shows that the Cuban issue clearly transcends party lines.

### 4.3. Travel and Remittance Restrictions during the George W. Bush Administration

- 24 While President Bush was ambiguous about commercial relations with Cuba, trying to satisfy two competing groups within his own party, he chose to cater to Cuban American hardliners and adopted a tough stance on travel and remittances. In 2004 (an election year) trips to Cuba were restricted to once every three years and a 14-day stay, while remittances were limited to 300 dollars every three months for each household to close family members only (parents, brothers, sisters, and children). The underlying rationale—hardly different from the Clinton Administration's in 1994<sup>36</sup>—was that when they visit their relatives on the island, Cuban Americans bring along money and presents that soften the harshest aspects of living in Cuba, thus postponing a possible rebellion and indirectly contributing to financing the dictatorship. The same goes for remittances. The idea was thus to strengthen this part of the embargo while softening a little the part

affecting U.S. businessmen. The problem is that the measure angered a majority of Cuban Americans who, beyond ideology, would like to help their relatives in Cuba and see them as often as possible, just like any other immigrants.

- 25 In December 2006, about twenty moderate Cuban American associations, including the Cuba Study Group, the Christian Democratic Party of Cuba, and the CANF, supported by dissidents in Cuba, gathered under an umbrella association, *Consenso Cubano*, to request the easing of restrictions on travel and remittances. Hurricanes Gustav and Ike, devastating large parts of Cuba in the late summer of 2008, prompted renewed pressure by these organizations and in Congress to lift travel and remittance restrictions for humanitarian reasons. Legislation was introduced by Senator Lugar and Representative Berman to this end. Representative Delahunt held a subcommittee hearing in September 2008<sup>37</sup> to emphasize the existing restrictions' inhumane aspects. Francisco Hernández, president of the CANF, was one of the Cuban and Cuban American voices pleading in favor of lifting restrictions, a far cry from the foundation's highly confrontational attitude in its early days. Although it died at the end of the congressional adjournment a few months later, this piece of legislation is just one example among a growing number of bipartisan congressional efforts to modify the legislative framework of the bilateral relationship. Such efforts paved the way for President Obama's new policy on Cuban American travel and remittances which will be detailed below.

#### 4.4 Washington's Policy toward Cuba under Scrutiny

- 26 Prodded by Congressmen and free-trade lobbies, various government studies and audits have denounced the failings of Washington's Cuban policy. A 2007 Government Accountability Office (GAO) report highlighted the problems raised by competing priorities in enforcing the embargo on Cuba, and its negative consequences for the fight against more serious threats by straining

Customs and Border Protection's ability to carry out its mission of keeping terrorists, criminals, and other inadmissible aliens from entering the country. Moreover, after 2001, Treasury's Office of Foreign Assets Control (OFAC) opened more investigations and imposed more penalties for embargo violations, such as buying Cuban cigars, than for violations of other sanctions, such as those on Iran.<sup>38</sup>

- 27 Representatives Flake (Republican) and Delahunt (Democrat), who chair a Working Group on Cuba in the House of Representatives, are among the most determined Congressmen in their attacks on the embargo and the current Cuba policy. Their bipartisan association is most interesting as it covers a variety of interests: the West (Arizona) for Flake the Republican free-trader, New England for Delahunt the liberal. They requested an audit from the Government Accountability Office which, in November 2006, disclosed serious dysfunctional activities in the Agency for International Development's (AID) Cuban Aid Program.<sup>39</sup> A second report, issued in November 2008, acknowledged the steps taken to improve oversight of the assistance but maintained that it was insufficient.<sup>40</sup> The CANF further charged that a majority of the assistance for Cuba had not been spent in direct aid to Cuban civil society.<sup>41</sup>
- 28 Representatives Flake and Delahunt also intended to question the relevance of continued U.S. government funding for Radio (since 1983) and TV Marti (since 1989), initially launched as an extension of the concept that started with Radio Free Europe and Radio Liberty in the early days of the Cold War. The official goals of these media were to

“provide [the Cuban people with] a reliable source of information....provide news and analysis that is not manipulated by the state but is objective, accurate, credible, relevant and timely” while vigorously denying any intention of “broadcast[ing] propaganda or provocations....[of inciting] a desire within the Cuban people to leave their country....[or of inciting] Cubans to revolt against their own society.”<sup>42</sup> Radio and TV Marti are now broadcast from airborne platforms and no longer from U.S. soil, but the reception of TV Marti and, consequently, its impact on the Cuban population is still very weak due to continued jamming by Cuban authorities. The results of this “media incursion” have been so disappointing over the past twenty years that these taxpayer-funded programs are increasingly seen as antiquated organizations of a by-gone era and an unnecessary gift to the most extreme Cuban exiles. They have been repeatedly under attack in Congress, but to no avail so far. An investigation was conducted in 2007 by the State Department and the Broadcasting Board of Governors’s Office of the Inspector General, but this only led to the continuation of the programs and to the conclusion that the Office of Cuba Broadcasting (OCB) had significantly improved its operations. Some \$ 35 million is granted to the OCB every year. At the prompting of Delahunt and Flake, the GAO undertook its own investigation and the subsequent report in July 2008 was much less positive. Another report issued in 2009 confirmed that Radio and TV Marti’s audience was still very small (2 percent).<sup>43</sup> These findings have paved the way for continued attacks on these Cold War programs.

## 5. The 2008 Elections and the Cuban Issue

### 5.1 An Unprecedented Congressional Battle in Miami

- 29 The three Florida Republican Cuban American Representatives to the U.S. Congress were facing unprecedented challenges in the 2008 elections. Prior to 2002, Ileana Ros-Lehtinen (first elected in 1989) and Lincoln Diaz Balart (first elected in 1992) were almost systematically unopposed. It was as if the 18th and 21st districts of Florida belonged to them. Lincoln’s brother, Mario, joined the duo in 2002 and was unopposed in 2004. Opposition to the three of them grew in 2006, however, and the trend intensified in 2008 with three Democratic Latinos challenging them. Moreover, the challengers to Lincoln and Mario Diaz Balart were influential Cuban-born Americans: Raul Martinez was mayor of Hialeah from 1981 to 2005 while Joe Garcia is a former Miami-Dade Democratic Party Chairman as well as a former top CANF official, which speaks volumes about the political shifts within this organization. Both of them emphasized non-Cuban issues in their campaigns, with the economic crisis actually pushing the Castros into the background. In the two months preceding the election, none of the candidates, whether Democratic or Republican, mentioned Cuba or its leaders, thus making the campaign more ‘American’.
- 30 Although there was still a Republican majority among registered voters in South Florida, the number of Democrats and Independents significantly increased. Ileana Ros-Lehtinen faced another woman, Annette Taddeo, who is half-Colombian, half-Italian, but her seat was considered safe. The Democratic Party only targeted the Diaz-Balart brothers’ seats as possible gains in November 2008.
- 31 The staunch anti-Castro Republicans went on to win reelection by fairly large margins. It is always difficult to unseat incumbents, but the 2008 campaign nevertheless signals that a different approach to politics is developing within the Cuban-American community,

proving that it can produce different brands of politician and will not cling forever to its traditional hard-line stance toward Cuba. It also signals a gradual shift from Cubans as 'exiles' to full 'American' citizens.

- 32 Surprisingly, even if they had been elected, those Democratic candidates would not have been seeking an end to the almost half-a-century old embargo, at least not completely or immediately. Both Martinez and Garcia made it clear that they wanted to ease restrictions on Cubans who seek to visit or send money to relatives in Cuba, and that they wanted to cut funding to U.S. government funded Radio and TV Marti. But they did not envision an end to the embargo. Although Garcia recognized that it had been a failure, he added that it was "a moral position," a "religious creed." "The good thing about a creed is that you don't have to prove it. The problem with a creed is, how do you change it?"<sup>44</sup>

## 5.2. Presidential Candidates and Cuba

- 33 Among the presidential candidates, the policy to be adopted toward Cuba was also debated. Senator McCain showed no ambiguity and clearly supported the continuation of restrictive measures and the embargo, in other words a continuation of the Bush policy. The CANF was ignored when he visited Florida and several Republican representatives chose to speak on Ninoska Pérez Castellon's radio show. As for the Democrats, caution was just as obvious among the presidential candidates as among the local Democratic contenders: if there was a consensus on easing travel and money transfers and increasing exports to Cuba, neither Senator Clinton nor Senator Obama mentioned the lifting of the embargo. In his Miami speech in front of the CANF on May 23, 2008, Senator Obama did promise that he would immediately lift the bans on family travel to Cuba and the limits on remittances, but the overall message was clear:

I will maintain the embargo. It provides us with the leverage to present the regime with a clear choice: If you take significant steps toward democracy, beginning with the freeing of all political prisoners, we will take steps to begin normalizing relations. That's the way to bring about real change in Cuba—through a strong, smart and principled diplomacy.<sup>45</sup>

- 34 Thus, the "embargo as leverage"—whether justifiable or not—appeared as the lowest common denominator with all candidates.
- 35 The reason is straightforward: lifting the embargo immediately would still be political suicide in South Florida. It would antagonize the still very active, powerful and voting older generation (now less than 10 percent of South Florida's 800,000 residents of Cuban descent), and no one wants to run the risk of infuriating them. More than at any other time, the gap between numbers and influence is widening. The Miami-based Democratic pollster, Bendixen & Associates, emphasized that more than 85 percent of the older exiles who oppose any concessions are registered to vote, compared with 18 percent of the post-1980 arrivals.<sup>46</sup> Moreover, Cuba is not such a hot issue today that it is worth taking political risks to change the current policy. To wit, although several bills were introduced in Congress in 2008 to lift part of the embargo, none went through the whole congressional process to be submitted to the President for approval, in spite of the Democratic majority in both Houses. The Democratic leadership did not push them and the 2008 Democratic Senate leader, Harry Reid of Nevada, supported a tough line on Cuba. In other words, although the strongly Democratic Congress that emerged from the November 2008 elections might be in a better position to adopt sweeping change, the

Democratic party does not have a common stand on the issue and, apart from symbolic moves, Obama's election is not likely to lead to a drastically different policy over the short run.

## 6. Changing times

### 6.1. Evolution of the Cuban American Community

- 36 The open debates taking place both in Washington and, for the first time in many years, in Miami, signal that hard-liners are no longer the only influence on Washington's Cuban policy. Although still active and powerful, their block is aging and losing power. Many other groups, including dissenting voices within the Cuban American community, contribute to a policy that is not only driven by strategic considerations but by an array of interests ranging from "guts" to the bluntly economic. The Cuban American community has never been monolithic but it is becoming more and more diverse: those who came to the United States at a very young age, who were born in the U.S. or came in later waves (300,000 have come from Cuba in the past ten years and are blatantly apolitical), feel more American citizens than Cuban exiles and are more open to normalization, or tend to view the relationship from an immigrant angle and not through the lens of ideology. The reason why they came also makes a difference: political opponents to the Castro regime, even if they came recently, tend to favor a harder line than those who came for economic reasons, which covers the vast majority of immigrants to the United States.
- 37 There is obviously a generational aspect to shifts occurring within the Cuban American community. Associated with this is a demographic shift in Florida, where a majority of Latinos in the state are now non-Cubans. Beyond the 41 percent Florida Latinos that are of Cuban descent, what indeed is striking is the growing share of other Latinos: 17 percent are of Mexican origin, 13 percent of South American origin and 18 percent are Puerto Rican. If Cubans still muster a small majority in Miami-Dade, their influence is increasingly diluted statewide. This is bound to have an impact on politics in the near future as increasing numbers of recently arrived Cubans and other Latinos become U.S. citizens and have a say in their new country's political life and foreign policy options.
- 38 Although Obama won 57 percent of the Latino vote in the state (as opposed to 56 percent for Bush in 2004)—an unprecedented figure for a Democratic candidate since the first exit polling of Hispanics in 1988<sup>47</sup>—he only received 35 percent of the Cuban American vote in the strongly Cuban districts of Miami Dade (a 10 percent increase over John Kerry in 2004) where George W. Bush gained 78 percent in 2004.<sup>48</sup> According to exit polls, the generational difference was stark: 84 percent of Miami-Dade Cuban-American voters 65 or older backed McCain, while 55 percent of those 29 or younger backed Obama.<sup>49</sup> Of the 800 Cuban Americans polled in November 2008 in Miami-Dade by the Florida International University (FIU), 51 percent of the 18-44 age group said they voted for Obama while only 20 percent in the 65 and older group did.<sup>50</sup> All age groups combined, 38 percent of the respondents had voted for Obama. But does it really matter? Obama carried Florida and its 27 electors with only a minority of the Cuban American vote, a clear signal that times are changing and that this ethnic vote is no longer so crucial for carrying the state.

- 39 Cubans in Florida only make up 34 percent of Florida's Hispanic registered voters today, down from 46 percent in 1990, losing ground even in Miami, and the non-Cuban Latinos have developed a severe aversion to "exile politics" as it was practiced until recently. Moreover, as emphasized by the Center for Responsive Politics,<sup>51</sup> although a majority of funds are still donated to Republicans for presidential elections, Cuban Americans now tend to distribute their donations between Republicans and Democrats. Times are indeed changing.
- 40 As far as the attitude toward Cuba is concerned, FIU polls conducted in Miami-Dade County since 1991 signal clear changes in recent years and emphasize significant differences among age categories and the various 'decades of arrival' groups. Bendixen also has come to underline generational and 'decade of arrival' gaps in Cuban American public opinion on the embargo issue.<sup>52</sup> For instance, 65 percent of the respondents favored a dialogue with the Cuban government in 2007, as opposed to 40 percent in 1991 (FIU poll). 57.5 percent favored the continuation of the embargo in 2007, dropping to 45 percent in 2008 (the lowest figure since the FIU poll was first conducted in 1991), while only 23 percent think the embargo works (21 percent in 2008). The gap between those who think the embargo works and those who favor its continuation—24 percent in 2008—is the key to understanding the essence of Cuban American opinion. It is clear that the embargo does not work, so it comes down to emotion, symbolism, and the feeling that if the hard-line is abandoned the Castros will have won the 47-year struggle. In the words of sociologist Guillermo Grenier, "the emotional basis of the exile ideology is what makes Cubans in the United States take positions that others judge to be irrational....It is a story of frustration, misunderstandings, and resentment."<sup>53</sup> In the 18-44 age category, only 35 percent favor continuing the embargo as opposed to 68 percent in the 65 and older group. Bendixen confirmed these findings in April 2009, with 42 percent of Cubans interviewed nationwide favorable to a continuation of the embargo, against 43 percent opposed to it.
- 41 28.7 percent would like to return to Cuba if political change occurred, down from 32 percent in 2004, but the percentage has more or less remained around 30 percent since 1991, which proves the desire of the vast majority of Cuban Americans to stay in the United States, and probably explains their shift to a focus on more American issues. 66 percent favored unrestricted travel in 2008 (up from 55 percent in 2007), the highest figure ever. Furthermore, in 2008 65 percent favored ending restrictions on sending money to Cuba, thus signaling both a departure from high politics and ideology and a desire to focus on personal interests (visits to family) and to purely "immigrant" interests. After President Obama's announcement in April 2009, the Bendixen poll found a 67 percent majority supporting the lifting of travel restrictions for all Americans, with about 240,000 adults of Cuban origin saying they would like to travel to Cuba in 2009-2010.
- 42 The 2008 FIU Transition Poll also reported a 79 percent majority in favor of direct talks with Cuba about migration, as well as a 65 percent majority favorable to the U.S. reestablishing diplomatic relations with Havana. Interestingly enough, the traditional questions on support for a U.S. invasion of Cuba, an invasion by exiles, or a return to Cuba disappeared from the shorter 2008 poll.



## 6.2 President Obama's Overtures

- 43 It was one of his campaign promises, and President Obama fulfilled it in April 2009 a few days before the Summit of the Americas. Congress had already taken a first step towards easing restrictions on family travel to Cuba in March (reverting to the pre-2004 period), as part of an Omnibus appropriations measure. The White House gave the initial congressional move a more lasting turn. Among other provisions, Cuban Americans are now allowed unlimited family visits and remittances, a significant change from the 2004 legislation that pleased a large majority of the community and which had been supported by the CANF and the Florida Cuban American Democratic candidates to the 2008 U.S. legislative election. One of them, Joe Garcia, helped draft the new measures. The 2004 restrictions failed to produce any change in Cuba, and allowing Cuban Americans to visit and send money to their families as often as they wished now came to be seen as no more than a humane measure.
- 44 The move, however, faced strong opposition from the three Florida Cuban American U.S. Representatives as well as from Senator Menéndez, a Democrat from New Jersey. This opposition underlines a growing gap between the community majority and its leaders in the U.S. Congress, whether Republican or Democrat, who cling to a more radical posture towards Cuba. It is probably not insignificant to note in that respect that out of the six Cuban American Congressmen and Senators in office in 2009, five were Cuban-born, making their relation to the island and the Castro regime very personal. Only Senator Menéndez, the son of Cuban immigrants, was born in the U.S. The Obama Administration was particularly criticized for not seeking concessions from Havana—in particular democratic reforms and the release of political prisoners—in exchange for the flood of dollars that is bound to reach the island, thus indirectly helping prop up the “Cuban dictatorship”.
- 45 The other measures announced by the White House press secretary—and not by President Obama himself—have not triggered as much debate. U.S. telecommunications companies will be allowed to pursue licensing agreements in Cuba, in an attempt to open up communications there by increasing access to cellphones and satellite television. The list of items allowed to be sent to Cuba as gift parcels has also been expanded, including clothing, personal hygiene items, soap-making and fishing equipment.
- 46 The “measured approach” chosen by the Obama administration targets areas that represent fundamental freedoms and aims to diminish restrictions on normal citizens.<sup>54</sup> Strategically speaking it is an accommodatory gesture that is bound to please the Latin American leaders throughout the continent, but it does call for some reciprocity, particularly the lifting of the fees charged by the Cuban government on all remittances. The idea is clearly to extend a hand to the Cuban leaders, to entice them to conduct democratic changes, not by retribution but through a revived soft power. The ultimate goal has not changed, however. “Promoting Democracy and Human Rights in Cuba” is still the title of the White House Memorandum. Only the means to achieve it have changed.

The promotion of democracy and human rights in Cuba is in the national interest of the United States and is a key component of this Nation's foreign policy in the Americas. Measures that decrease dependency of the Cuban people on the Castro regime and that promote contacts between Cuban-Americans and their relatives in Cuba are means to encourage positive change in Cuba. The United States can pursue



these goals by facilitating greater contact between separated family members in the United States and Cuba and increasing the flow of remittances and information to the Cuban people.<sup>55</sup>

- 47 In order to engage the Cuban government in ways it would engage any country (for instance on migration or counternarcotics),<sup>56</sup> the U.S. administration also reopened migration talks with the Cubans, which had been suspended in 2004. They first met in July 2009 and will meet again before the end of the year. Another sign of engagement with the Cuban government was the presidential decision not to meet with the representative of Cuban dissidents who came to Washington, D.C. to pick up the award granted by the National Endowment for Democracy. It was the first time in five years that the President had not met with the winner of the Democracy Award, and this decision—which triggered much Cuban American anger—was clearly intended to avoid antagonizing the Cuban leaders. Similarly the language on Cuba in the annual State Department terrorism report was more muted, and the much criticized Commission for Assistance to a Free Cuba was discontinued, responsibility for Cuban Affairs returning to the State Department's Office of Cuban Affairs. These do not imply drastic policy changes, but they certainly represent strong symbolic moves.
- 48 At the same time, using language virtually identical to that of George W. Bush in his first waiver, President Obama informed Congress that he would waive for six months the provision contained in the Helms-Burton Act that permits lawsuits against foreign companies that use Cuban property once owned by Americans. Opposed by the most radical Cuban American groups but fully supported by the European Union, Obama reiterated that the waiver is necessary for U.S. national interests and its policy toward Cuba.
- 49 In June 2009, the Latin American OAS members pushed to reintegrate Cuba into their organization. Both Secretary of State Hilary Clinton and congressmen made it clear that Cuba should release political prisoners and establish human rights and democratic reforms *before* the United States would support Cuba's reentry. In the U.S. House of Representatives, legislation was introduced by Connie Mack (R, Fla), supported by all Cuban American members, to withhold U.S. funding from the OAS if Cuba was readmitted as a member. Finally the OAS members were pressured to agree to reintegrate Cuba only on the condition of significant democratic improvements.
- 50 So far all these overtures have not been reciprocated by the Cuban leaders: Fidel Castro repeated that the trade embargo as a whole should be lifted. No political prisoners have been released, restrictions on travelling are unchanged, and Havana maintains stringent restrictions on opposition figures. In other words, so far the Cuban leaders have made no gestures of good-will or moves in the direction of human rights or democracy. In addition, the Cuban government responded to the OAS that it was not interested in rejoining the regional organization.
- 51 There has been a lot of guessing about whether the lifting of travel restrictions would be extended to academics, students and all U.S. citizens, and whether the April move would soon lead to the end of the embargo. The anti-embargo coalition vows to push in that direction but although the President can do a lot and strip the embargo legislation of some of its main features, Congress is the one that can alter legislation, and there does not seem to be a majority to act any time soon. The "measured approach" chosen by the Obama administration is simultaneously too much for the Cuban American hard-liners

and not enough for a growing number of Cuban Americans and policy makers. In a July 27, 2009, interview, President Obama deflated these expectations:

We're not there yet. We think it's important to see progress on issues of political liberalization, freedom of the press, freedom of assembly, release of political prisoners in order for there to be the full possibility of normalization between our two countries. We're taking it step by step, seeing if, as we change some of the old approaches that we've been taking, we are seeing some movement on the Cuban government side. I don't think it's going to be happening overnight. I think it's going to be a work in progress.<sup>57</sup>

52 In saying this, Obama put the ball more than ever in Havana's court.

## 7. Conclusion

53 Gradually, more and more Cuban Americans cease being "exiles" to become, like other immigrants and their descendants, like the vast majority of Americans, hyphenated citizens who tend to focus more on economic and social issues than on an old international feud. Education, the cost of living, jobs, and health care have become priorities for all Latinos, including those of Cuban descent. The current economic crisis has significantly increased this tendency among working class and middle class Cuban Americans. Recent surveys have emphasized a generational divide as most polls break down data by age groups and 'decades of arrival' groups to substantiate the growing ideological gap between the younger generation or those arrived more recently and the senior generation who keep focusing on regime change in Cuba. The combination of all this data offers a more detailed picture of the Miami-Dade County Cuban Americans' heterogeneity.

54 Evidence of this shift was clear in the last weeks of the 2008 campaign, when none of the Miami candidates tackled the Castro or even the Cuba issue. This is also reflected in the CANF's ideological evolution. The former 'die-hard' organization is now advocating a more pragmatic policy and has sided with very liberal elements of the Democratic party to plead in favor of lifting travel and remittance restrictions. The pattern of influence pattern is consequently not as clearcut as it was in the 1980s. Other groups such as the Cuban American Democracy PAC have become more vocal than CANF in their defense of a confrontational policy.

55 Change will be minimal as long as a handful of Cuban Americans, afraid that "the policy train will bypass Miami and head straight for Havana,"<sup>58</sup> continue to enjoy an outsized political influence synonymous with their own political survival, and as long as there exist other much more pressing foreign policy issues for Washington.

56 Change will certainly come but through a gradual process, once normalization is acceptable to all, both in the United States and in Cuba, once *realpolitik* finally prevails over emotion and the convenient *ménage à trois* (Cuba, Washington and the Miami Cuban American community), which has functioned for almost half a century, ceases to be attractive to the protagonists themselves. The embargo will become obsolete because it will eventually no longer be necessary to preserve the status quo of Cubans in America as political exiles.<sup>59</sup> Cuba itself has obviously a fundamental role to play in this. The international communist menace is history now and if the Cuban regime improves its human rights record, which is now why it is regularly condemned by Washington, the very ground for ostracizing the island will disappear. Many U.S. experts have repeatedly

called for the end of the “ideology of benevolent domination,”<sup>60</sup> a reassessment of U.S. national interests, an evaluation of the effectiveness of the means employed so far, and a more pragmatic policy towards Cuba. To quote but a few: “The objective should be to normalize the U.S.-Cuban relationship as quickly as possible. It is only through normalization that the United States can most quickly achieve our goals and remove this needless irritant from our list of global concerns;”<sup>61</sup> “Wanted: A Logical Cuba Policy....in terms of concrete U.S. interests, Cuba is of little importance to the United States;”<sup>62</sup> “The United States should adopt a policy of critical and constructive engagement, phased-in unilaterally;”<sup>63</sup> “Changing policy toward Cuba is strongly in the American national interest.”<sup>64</sup>

- 57 The conclusion of this almost half-a-century old story is that U.S. influence in Cuba is very limited. Everything has been tried, from charm to pressure to retribution.<sup>65</sup> Conditions in Cuba have not changed in any way. The *Washington Post* editorialist Eugene Robinson put it in a nutshell: “People, we have *no* leverage in Cuba.” In Washington, in Miami, and in Havana, the time has come for a pragmatic reappraisal of a highly emotional relationship.<sup>66</sup>

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## NOTES

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9. I am indebted to Professor Eusebio Mujal-Leon (Georgetown University), a specialist of Cuba, for this expression and for our conversations. I would also like to thank the anonymous reviewers for their invaluable comments and suggestions as well as Dr Carol Kaplan for her

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## ABSTRACTS

Although comparatively recent immigrants and a very small group of hardly more than 1.3 million, Cuban Americans have been very influential in Washington's confrontational policy toward Cuba over the past thirty years. While the end of the Cold War should have undermined the rationale for the embargo, they maintained a hard line on Cuba and proved quite convincing in their arguments with both the Clinton and the George W. Bush Administrations. This piece focuses on the past decade and will explore Washington's continuing hard line toward Cuba as well as the serious challenges this posture is facing today. Increasing pressure from competing powerful lobbies to end the embargo, a growing uneasiness in Congress with the policy's failure, a severe split within the Republican party over the issue, and a declining radicalism among

younger Cuban Americans and more recent Cuban immigrants, all tend to signal a change in Washington's Cuban policy in the near future, and with it a redefinition of Cuban American influence.

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